

CLASSIFICATION OFFICE DECISION

Title of publication: High Times: February 2010

Other known title(s): High Times: No. 409

OFLC ref: 1000754.000

Medium: Magazine

Distributor: Gordon & Gotch

Publisher: Trans-High Corporation

Country of origin: United States

Language: English

Applicant: Secretary for Internal Affairs

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive note: None

Display conditions: When the magazine is on public display, the classification given to the magazine must be shown by way of a label issued in accordance with a direction under section 36(A)(2) and affixed to the front cover.

Date of entry in Register: 28 June 2010

Date of direction to issue a label: 28 June 2010

Summary of reasons for decision:

The publication is classified as objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The magazine is published in the United States and is a forum for social and political views on cannabis. It is intended for adults with a specific interest in cannabis law reform issues and is well-known for consistently advocating the legalisation of cannabis. The issue under review contains some material designed to assist growers and users, but the most significant influence on the dominant effect that the magazine will have on its intended adult audience is its editorial content. This is made up largely of articles that inform readers about the political, historical and cultural contexts of the current cannabis law reform debate.

As a vehicle for the expression of political views in favour of cannabis law reform, the magazine has a legitimate purpose. However, the potential exists for young persons with little knowledge of

the current law, or of the effects and consequences of cannabis use, to misinterpret the magazine's general advocacy of law reform as an invitation to break the law. A restriction to adult readers, who will be well aware that cannabis use and cultivation is illegal in New Zealand, is therefore required to minimise the likelihood of injury to the public good.

In terms of the New Zealand Bill of Rights Act 1990, a ban is neither reasonable nor demonstrably justified. However, a likelihood of injury arising from the availability of the publication to children and young persons has been identified. Restricting the availability of the publication to adults limits the rights of New Zealanders to access reading material of their choice but, in this instance, represents the minimum interference with the freedom of expression that is consistent with preventing injury to the public good.